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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,210	02/13/2001	Takeshi Kanda	450100-02978	9712

20999 7590 08/17/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER	
CHARLES, DEBRA F	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/782,210	KANDA ET AL.	
	Examiner	Art Unit	
	Debra F. Charles	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-22 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teruhiko et al. (JP 11-176089) and Wiser et al. (U.S.PAT. 6385596 B1).

Re claims 1,2, and 3: Teruhiko et al. disclose an information processing device and method comprising:

holding means for holding music data made up of a plurality of tracks;

adding means for adding copyright information to each of said tracks;

information setting control means for controlling the setting of necessary information(Solution section on front page, page 4, para. 0025, page 5-6, para 0032-0037).

Teruhiko et al. disclose(s) the claimed invention except for registering with another information processing device capable of distributing by individual track said music data; and transmission control means for controlling transmission via a network, of said music data. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data, and a distribution and registering network. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claim 4: Teruhiko et al. disclose(s) the claimed invention except said another information processing device controlled so that only predetermined users verified beforehand can perform registering and distribution of said music data. However, in col. 4, lines 10-45 thereof, Wiser et al. disclose(s) using a certificate to authenticate the purchaser. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claim 5: Teruhiko et al. disclose(s) the claimed invention except calculating means for calculating copyright usage fees for said contents data, based on said

copyright information. However, in col. 11, lines 10-65 thereof, Wiser et al. disclose(s) protecting the copyright by using right reporting agencies to bill distributors for royalities associated with the volume of electronic distribution of media files. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claim 6: Teruhiko et al. disclose(s) the claimed invention except contents data is music data. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claims 7, 8, and 11: Teruhiko et al. disclose(s) the claimed invention except

a calculating step for calculating copyright usage fees for said contents data, based on said copyright information. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) calculating

means for calculating billing fees at the time of using said contents data, based on said copyright information. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claim 9: Teruhiko et al. disclose encoding processing means for performing encoding processing of said contents data regarding which reception

has been controlled by said reception control means; and saving control means for controlling saving of said contents data subjected to encoding processing by said encoding processing means(Solution section on front page, page 1, para. 0004, page 4, para. 0025, page 5-6, para 0032-0037,).

Re claim 10: Teruhiko et al. disclose(s) the claimed invention except contents data is music data. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claim 12: Teruhiko et al. disclose holding means for holding music data made up of a plurality of tracks; reception control means for controlling reception of signals representing transmission request(Solution section on front page, page 4, para. 0025, page 5-6, para 0032-0037);

searching means for searching for said music data held by said holding means, based on said signals of which reception is controlled by said reception control means(claims 1,2 and 3).

Teruhiko et al. disclose(s) the claimed invention except for said music data from other information processing devices via a network; first transmission control means for controlling transmission of said data searched by said searching means, by each of the plurality of said tracks. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 6, lines 25-55, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data, and a distribution and registering network with authentication and encryption for distribution controls. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to

enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claim 13: Teruhiko et al. disclose copyright information is set to each of the plurality of said tracks(Solution section on front page, page 4, para. 0025, page 5-6, para 0032-0037).

Re claim 14: Teruhiko et al. disclose(s) the claimed invention except calculating means for calculating usage fees for said music data based on said copyright information; and second transmission control means for controlling transmission of data corresponding to the usage fees of said music data calculated by said calculating means, with regard to said other information processing device of which transmission of said music data has been controlled by said first transmission control means. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 6, lines 25-55, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data, and a distribution and registering network with authentication and encryption for distribution controls. And the disclosure includes usage fees for the copyright works. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation

to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claims 15 and 16: Teruhiko et al. disclose a holding control step for controlling the holding of music data made up of a plurality of tracks(Solution section on front page, page 4, para. 0025, page 5-6, para 0032-0037);

a reception control step for controlling reception of signals (Solution section on front page, page 4, para. 0025, page 5-6, para 0032-0037);

a searching step for searching for said music data held in said holding step, based on said signals of which reception is controlled by the processing in said reception control step(claims 1,2 and 3).

Teruhiko et al. disclose(s) the claimed invention except for representing transmission request, said music data from other information processing devices via a network a first transmission control step for controlling transmission of said music data searched by the processing in said searching step, by each of the plurality of said tracks. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 6, lines 25-55, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data, and a

distribution and registering network with authentication and encryption for distribution controls. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claims 17,18,19 and 20: Teruhiko et al. disclose(s) the claimed invention except first providing means for a plurality of members to provide a virtual community for activities of cooperatively creating contents to said network;

verifying means for performing verification processing of access rights to said community in the event that said information processing device is accessed by said other information processing devices via said network; and second providing means for providing services relating to activities of creating said contents to said other information processing devices via said network, based on the verification results of said verifying means. And said second providing means further registers to said community contents created based on said contents registered to said community and provided from said plurality of members. And wherein said second providing means register contents provided from said plurality of members to said community. And second providing means provide said contents registered to said community to other members. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 6, lines 25-55, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) a distribution and registering network that forms a de

facto community with authentication and encryption for distribution controls. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claims 21 and 22: Teruhiko et al. disclose(s) wherein said first providing means issue IDs to users of said other information processing devices. And second providing means registers said contents in a manner corresponding to said IDs, so that the creators of said contents can be identified(claims 20, 21 and 22).

Re claims 28 and 29: Teruhiko et al. disclose means for creating music pieces made up of a plurality of instrument/vocal parts;

means for adding copyright information to each of said plurality of instrument/vocal parts(Solution section on front page, page 4, para. 0025, page 5-6, para 0032-0037).

Teruhiko et al. discloses the invention except means for transferring, via a network, music pieces made up of said plurality of instrument/vocal parts to which said copyright information has been added; and

means for registering said music pieces to a management center for management thereof so that other users can use said music pieces by individual instrument/vocal parts. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data, and a distribution and registering network. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Re claims 30, 31, 32 and 33: Teruhiko et al. discloses the invention except receiving contents created by a user and copyright information relating to said contents, via a network; means for storing said encoded contents in a server for distributing said contents; and means for settling copyright usage fees relating to said contents, based on said copyright information. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 6, lines 25-55, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) media data which includes audio data and this is the same as music data, and a distribution and registering network with authentication and encryption for distribution controls. And the disclosure

includes usage fees for the copyright works; means for setting billing fees in the case of others using said contents, based on said copyright information. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

3. Claims 23, 24, 25, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teruhiko et al. and Wiser et al. and Nakayama et al.(U.S. PAT. 5872924 A).

Re claims 23, 24, 25, 26 and 27: Teruhiko et al. and Wiser et al. disclose the claimed invention except a first providing step for a plurality of members in a predetermined mutual relationship to provide a virtual community for activities of cooperatively creating contents to said network; register to said community contents created by modifying or arranging said contents registered to said community and provided from said plurality of members. However, in col. 11, lines 25-45, col. 13, lines 20-67, col. 14, lines 5-25 thereof, Nakayama et al. disclose(s) a collaborative work environment where the work is modified, displayed and registered. It would be obvious to one of ordinary skill in the art to modify the invention of Teruhiko et al. and Wiser et al. based on the teachings of Nakayama et al. The motivation to combine these references is to enhance the

efficiency and effectiveness of music data distribution while protecting the copyright and create an effective cross development process for content.

4. Claims 34, 35, 36, 37, 38, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. and Wiser et al.

Re claims 34, 35, 36, 37, 38, 39 and 40: Nakayama et al. disclose a service providing method comprising: a step for a plurality of members, belonging to a group made up of members having mutual relationships, to provide a virtual community for performing activities of cooperatively creating contents upon a network(col. 4, lines 25-65, col. 5, lines 50-60, col. 6, lines 50-65, col. 7, lines 25-45, col. 8, lines 30-45, Figs. 1-22);

Nakayama et al. discloses the invention except receiving a step for performing verification processing of access rights to said community in the event that there has been an access request via said network; and a step for providing services relating to activities of creating said contents to said verified members via said network. However, in Fig. 1A, 1B, col. 3, lines 20-35, col. 6, lines 25-55, col. 11, lines 25-65, col. 13, lines 3-65 thereof, Wiser et al. disclose(s) a distribution and

registering network that forms a de facto community with authentication and encryption for distribution controls. It would be obvious to one of ordinary skill in the art to modify the invention of Nakayama et al. based on the teachings of Wiser et al. The motivation to combine these references is to enhance the efficiency and effectiveness of music data distribution while protecting the copyright.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on (703) 305-9779. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

Debra F. Charles

Examiner

Art Unit 3628

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